

REMARKS/ARGUMENTS

Claims 1, 4-20, 23-27 and 30-38 remain in the application for further prosecution. Claims 2, 3, 21, 22, 28 and 29 have been canceled without prejudice. Claims 1, 9, 11, 12, 17-20, 25, 26, 31, 33 and 36-38 have been amended.

The Office Action has objected to the specification and various claims for informalities. Applicant has amended the abstract to be more narrative and in sentence structure. Pursuant to the Examiner's suggestions, Applicant has amended the claims to correct the various informalities.

Claim Rejections – 35 USC § 112

Claims 12-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended claim 12 to properly depend from claim 11. The Office Action has indicated that the term "selected game outcome" is indefinite. Applicant has amended claim 12 to clarify that the selected game outcome is the selected bonus game outcome. Applicant respectfully submits that claims 12-16 now meet the requirements of section 112.

Claim Rejections – 35 USC §§ 102, 103

Claims 1, 3-4, 7, 8-14, 17-20, 22-24, 26, 27, 29-36 and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by US 2002/0016200 A1 (Baerlocher).

Baerlocher discloses a display screen having a graphic showing a path 54a on which symbols such as a player symbol 58a are moved in relation to the path 54a as part of a bonus round. (Fig. 8, paragraph 58). All of the elements cited by the Office Action are in two

dimensions as they are graphics rendered on a video display such as a liquid crystal display. (paragraph 44). Paragraph 50 makes it clear that Baerlocher is not a three dimensional path by stating "the computer exhibits a player symbol 58 at a particular location on the path 54. The computer also exhibits a terminating symbol 60 at another location 56." (see also paragraph 58 relating to computer display of symbols). The Office Action acknowledges that Baerlocher is a video game system but asserts that since the images appear to be three dimensional, it would be inherent that the path also extends in three dimensions. (p. 5).

Baerlocher does not anticipate claims 1, 20 or 26 because it does not disclose a non-linear path in three dimensions. The Office Action assertion that an inherent teaching of a two dimensional medium such as a video display would be to physically construct the objects is completely unsupportable. There is no inherent teaching from a video image to transform the two dimensional graphic image into three dimensional objects such as a path or moveable objects on that path. In order to further distinguish the claims, claims 1, 20 and 26 have been amended to indicate that both the non-linear path and the moveable elements are physical objects.

Applicant has canceled claims 2, 3, 21, 22, 28 and 29 to further support these amendments.

Baerlocher does not disclose nor suggest a physical path or physical moveable objects because Baerlocher only discloses a two-dimensional image on a video screen. Such a two dimensional image does not anticipate physical elements such as the three dimensional non-linear path or the moveable object and thus these claims are allowable. Claims 4-19 depend from claim 1, claims 23-25 depend from claim 20 and claims 27 and 30-38 depend from claim 26 and are similarly allowable.

Claims 1 and 4-6 are rejected under 35 U.S.C. 102(b) as anticipated by Hedrick (U.S. Pat No. 6,368,216 ("Hedrick")). Hedrick discloses a game with a secondary video screen 219 that

shows two dimensional video content such as secondary games in conjunction with a wagering game. (Col. 19, ll. 17-21, Figs. 10-13). The Office Action has cited Figure 12A of Hedrick as disclosing a non-linear path extending in three dimensions (railroad track) with moveable objects (carts 1215a-c). The Office Action again asserts that the displayed images appear to be three dimensional in composition. As the Office Action concedes, Figure 12A merely shows a two dimensional video display showing video images of a mining cart on a track and thus is not a physical non-linear path in three dimensions.

As noted above, Applicant has amended claim 1 to require that the non-linear path and moveable object are physical. Hedrick does not anticipate these elements because Hedrick only discloses two-dimensional video images which are not physical. Amended claim 1 is thus allowable over Hedrick. Claims 4-6 depend from claim 1 and are similarly allowable.

Claims 1, 2, 8, 9, 20, 21, 24, 26, 28, 36 and 38 are rejected under 35 U.S.C. 102(e) as being unpatentable over U.S. Patent No. 6,758,473 ("Seelig '473"). Seelig '473 discloses a moveable indicator 44 moving along a vertical slot 60 as shown in Fig. 2. The Office Action has noted that Seelig '473 suggests that the slot could be non-linear citing Col. 7, ll. 31-34. However, Seelig '473 does not show a path in three dimensions as the slot path is mounted on the front face of a bonus display 12. (Fig. 2, Col. 7, ll. 25-29).

Claims 1, 20 and 26 are allowable because Seelig '473 only discloses a two dimensional path in the form of a slot and not a three dimensional path. The path in Seelig '473 is limited to two dimensions because it is mounted on a flat surface (bonus display 12). The moveable indicator 44 thus moves only in one dimension (up and down). Even if the slot was non-linear, the moveable indicator 44 could only move in an additional second dimension (right and left) and not in a third dimension (away and toward the page). Seelig '473 does not disclose a physical

three dimensional path as in the pending claims. The Office Action has indicated that Seelig '473 discloses that the moveable element is a physical element and thus anticipates claim 2. However, the moveable indicator 44 in Seelig '473 does not move on a three dimensional non-linear path as required by amended claims 1, 20 and 26.

Claims 11-16, 25 and 37 are rejected as obvious over Seelig '473 as applied to claims 9, 20 and 26, respectively, above, and further in view of US 2004/0147300 A1 ("Seelig '300"). These claims are allowable as dependent on claims 1, 20 and 26. In any case, the Seelig '300 reference only discloses movement of objects in two dimensions such as the wings of the duck in Figure 6 that rotate in one plane but do not move in any other plane as the path must be a three-dimensional path.

Applicant has reviewed the other references of record and respectfully submits that the pending claims are allowable over these references.

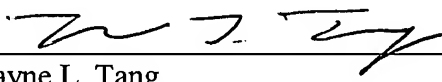
Conclusion

It is Applicant's belief that all of the claims are now in condition for allowance and actions towards that effect is respectfully requested.

If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the number indicated.

Respectfully submitted,

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